

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:
DOMINIQUE DARCELL DAVIS

CASE NO. 19-41967
CHAPTER 7
JUDGE: SHEFFERLY

Debtor. /
DOMINIQUE DARCELL DAVIS,

Plaintiff,

v.

ADV. NO.

DAVENPORT UNIVERSITY-G.R.,

Defendant. /

COMPLAINT TO RECOVER EXEMPT FUNDS

NOW COMES Plaintiff, by and through her attorney, B.O.C. Law Group, PC, and in support of her complaint states the following:

1. On or about February 22, 2017, Defendant received a civil judgment against Plaintiff in the 36th Judicial District Court for the State of Michigan in the amount of \$6,047.00.

2. On or about October 16, 2018, Defendant filed a writ of periodic garnishment against Plaintiff's employer.

3. Defendant seized Plaintiff's funds in the approximate amount of \$1,528.16, 90 days prior to the filing of Plaintiff's Chapter 7 Bankruptcy.

4. Pursuant to Schedule B, Plaintiff scheduled the funds as assets that were seized by Defendant. Pursuant to Schedule F, Plaintiff scheduled Defendants as unsecured creditors wherein his debt is dischargeable.

5. Pursuant to Schedule C, the funds garnished and/or seized were within the preference period and are exempted property pursuant to 11 USC § 522(d)(5).

6. The Chapter 7 Trustee, filed a Report of No Distribution on March 23, 2019, and therefore will not make a claim on these funds. As such, Debtor has standing to make said claim for return of property of the estate.

7. Plaintiff seeks recovery of the garnished funds in the amount of \$1,528.16, which are part of the Bankruptcy Estate.

WHEREFORE Plaintiffs pray this Honorable Court order:

1. Defendants to return said seized funds, in the approximate amount of \$1,528.16 to the Bankruptcy Estate so that they may be remitted to Plaintiff.
2. Any other relief, including attorney fees, costs and interest, which this Court deems just and equitable.

Respectfully Submitted,

/s/ William R. Orlow

B.O.C. Law Group, PC

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Dated: June 12, 2019